IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Misc. No. 65307-M of 2006

DATE OF DECISION : 08.12.2006

Sunil Kumar Tyagi

.... PETITIONER

Versus

Registrar of Companies and another

..... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. Suman Jain, Advocate,
for the petitioner.

* * *

Petitioner Sunil Kumar Tyagi has filed this petition under Section 482 of the Code of Criminal Procedure for quashing of complaint dated 7.6.2001 and the summoning order dated 8.11.2001.

I have heard counsel for the petitioner and gone through the contents of the complaint as well as the summoning order.

In this case, the petitioner had appeared before the trial court on 18.11.2002. At this belated stage, he is seeking quashing of the complaint and the summoning order on the disputed question of fact that at the particular time, when the alleged offence was committed by the company, the petitioner was not its Director. In my opinion, this question can only be decided on the basis of evidence and on such disputed question of fact, the complaint and the summoning order can not be quashed. At this stage, counsel for the petitioner prays that personal appearance of the petitioner before the trial court be exempted.

Dismissed.

However, regarding exemption from personal appearance, if the petitioner files an application before the trial court, the same shall be considered in accordance with law.

December 08, 2006 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**